IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICITON

WRIT PETITION (L) NO.1506 OF 2007

L.R. Bhojwani .. Petitioner.

Versus

Union of India & Others .. Respondents.

WRIT PETITION (L) NO.1507 OF 2007

M/s.Bhojwani Securities Pvt.Ltd. .. Petitioner.

Versus

Union of India & Others .. Respondents.

WRIT PETITION (L) NO.1508 OF 2007

M/s.Bhojwani Brothers .. Petitioner.

Versus

Union of India & Others .. Respondents.

WRIT PETITION (L) NO.1509 OF 2007

M/s.Trust House Commerce Centre
Private Limited .. Petitioner.

Versus

Union of India & Others .. Respondents.

WRIT PETITION (L) NO.1510 OF 2007

V.R. Bhojwani .. Petitioner.

Versus

Union of India & Others .. Respondents.

WRIT PETITION (L) NO.1511 OF 2007

Sanjay Bhojwani .. Petitioner.

Versus

Union of India & Others .. Respondents.

Mr.Vikram Nankani i/by Nankani & Associates for the petitioner.

Mr.P.S. Jetly with Mr.L.S. Shetty with Mr.A.M. Sethna and Mr.S.D. Bhosale for the respondents.

CORAM : F.I. REBELLO &
J.P. DEVADHAR, JJ.

DATED : 20TH JULY, 2007.

P.C. :

1. Rule in all Petitions. Heard forthwith.

2. We have perused the impugned order. The learned counsel for the petitioner has sought to draw our attention to the provisions of Section 9(1)(c) of the Foreign Exchange Regulation Act, 1973 as it then stood as also the directions issued by the R.B.I. as contained in Foreign Exchange Manual, Part B, Non Resident (External) Rupee Account Scheme. It is the case of the petitioner that before deciding the issue of pre-deposit, learned Tribunal did not address itself to the said issue and those contentions, though urged have not been considered.

3. Considering that this would be the main issue which will have to be decided in the appeals, in our opinion, ends of justice will be met if the impugned order dated 20th July, 2004 and the

subsequent orders in review dated 19th January, 2005 are set aside and the matter is remanded back to the Tribunal for rehearing on the issue of pre-deposit according to law. The entire exercise to be completed by the Tribunal as far as possible within eight weeks from today.

4. Rule is made absolute accordingly with no order as to costs.

(F.I. REBELLO, J.)

(J.P. DEVADHAR, J.)